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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/524,189	03/13/2000	Forrest N. Krutter	10106/4	6269
757	7590	11/20/2007	EXAMINER	
BRINKS HOFER GILSON & LIONE			PASS, NATALIE	
P.O. BOX 10395			ART UNIT	PAPER NUMBER
CHICAGO, IL 60610			3626	
MAIL DATE		DELIVERY MODE		
11/20/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/524,189	KRUTTER ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Natalie A. Pass	3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 13 August 2007.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 13 August 2007.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

***Notice to Applicant***

1. This communication is in response to the amendment filed 13 August 2007. Claim 1 has been amended. Claims 1-20 remain pending. The Information Disclosure Statement filed 13 August 2007 has been entered and considered.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over King et al., U.S. Patent Number 5, 704, 045 in view of Schwab, S., "Reinsurer Liability For Contingent Claims," The International Journal Of Insurance Law 1997, Vol 4, pp 28-39; 175-178, hereinafter known as Schwab, and further in view of Hall, R., "Alternatives to Estimation of Claims and Acceleration of Reinsurance Recoverables: The Uniform Receivership Law," (1999), URL:< <http://www.robertmhall.com/articles/k.htm> >, hereinafter known as Hall, for substantially the same reasons given in the previous Office Action (paper number 20070201), and further in view of Halley, et al., U.S. Patent Number 4750121. Further reasons appear hereinbelow.

(A) Claim 1 has been amended to include the recitations of "pre-determined" on lines 8 and 11.

As per these new limitations King, Schwab, and Hall teach a method implemented with a computer of paying an insolvent Insurance Company's liabilities through a reinsurance agreement or other indemnification arrangements as analyzed and discussed in the previous Office Action paper number 20070201).

King, Schwab, and Hall fail to explicitly disclose "calculating a pre-determined fixed dividend ... [...] ..." and "guaranteeing the payment of the pre-determined fixed dividend to claimants ... [...] ...."

However, the above features are well-known in the art, as evidenced by Halley. In particular, Halley teaches "calculating a pre-determined fixed dividend ... [...] ..." and "guaranteeing the payment of the pre-determined fixed dividend to claimants ... [...] ..." (Halley; column 3, lines 7-14, column 14, lines 60-63, column 6, lines 40-44); Examiner interprets Halley's teachings of "[a]ll benefits are periodic, and ... [...] ... monthly, and are equal to a fixed percentage ... [...] ..." (Halley; column 4, lines 60-63) to teach a form of "calculating a pre-determined fixed dividend ... [...] ..." and "guaranteeing the payment of the pre-determined fixed dividend to claimants ... [...] ...."

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of King, Schwab and Hall to include these limitations, as taught by Halley, with the motivations of providing a "... [...] ... system which imposes considerably lower and fixed determinable financial burdens ... [...] ..., while also providing ... [...] ... accurately predictable ... [...] ... benefits" (Halley; column 1, lines 9-25).

The remainder of claim 1 is rejected for the same reasons given in the prior Office Action (paper number 20070201, section 6, pages 3-5), and incorporated herein.

(B) Claims 2-3 have not been amended and are rejected for the same reasons given in the previous Office Action (paper number 20070201, section 6, pages 5-6), and incorporated herein.

4. Claims 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over King et al., U.S. Patent Number 5, 704, 045 in view of Schwab, S., "Reinsurer Liability For Contingent Claims," The International Journal Of Insurance Law 1997, Vol 4, pp 28-39; 175-178, hereinafter known as Schwab, and further in view of Hammond et al., U.S. Patent Number 5, 712, 984 for substantially the same reasons given in the previous Office Action (paper number 20070201). Further reasons appear hereinbelow.

(A) Claims 4-9 have not been amended and are rejected for the same reasons given in the previous Office Action (paper number 20070201, section 7, pages 6-10), and incorporated herein.

5. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hammond et al., U.S. Patent Number 5, 712, 984 in view of King et al., U.S. Patent Number 5, 704, 045 for substantially the same reasons given in the previous Office Action (paper number 20070201). Further reasons appear hereinbelow.

(A) Claims 10-11 have not been amended and are rejected for the same reasons given in the previous Office Action (paper number 20070201, section 8, pages 10-13), and incorporated herein.

6. Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over King et al., U.S. Patent Number 5, 704, 045, Schwab, S., "Reinsurer Liability For Contingent Claims," The International Journal Of Insurance Law 1997, Vol 4, pp 28-39; 175-178, hereinafter known as Schwab, Hall, R., "Alternatives to Estimation of Claims and Acceleration of Reinsurance Recoverables: The Uniform Receivership Law," (1999), URL: <<http://www.robertmhall.com/articles/k.htm>>, hereinafter known as Hall, and Halley, et al., U.S. Patent Number 4750121 as applied to claim 1 above, and further in view of Jenkins, T. "Risk in the Insurance Sector," (1999), URL: <[http://www.apra.gov.au/RePEc/RePEcDocs/Archive/conference\\_papers1/risk\\_insurance\\_sector.pdf](http://www.apra.gov.au/RePEc/RePEcDocs/Archive/conference_papers1/risk_insurance_sector.pdf)>, hereinafter known as Jenkins for substantially the same reasons given in the previous Office Action (paper number 20070201). Further reasons appear hereinbelow.

(A) Claims 12-15 have not been amended and are rejected for the same reasons given in the previous Office Action (paper number 20070201, section 9, pages 13-15), and incorporated herein.

7. Claims 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over King et al., U.S. Patent Number 5, 704, 045 in view of Schwab, S., "Reinsurer Liability For Contingent Claims," The International Journal Of Insurance Law 1997, Vol 4, pp 28-39; 175-178, hereinafter known as Schwab, Hammond et al., U.S. Patent Number 5, 712, 984 and Jenkins, T. "Risk in the Insurance Sector," (1999), URL: <[http://www.apra.gov.au/RePEc/RePEcDocs/Archive/conference\\_papers1/risk\\_insurance\\_sector.pdf](http://www.apra.gov.au/RePEc/RePEcDocs/Archive/conference_papers1/risk_insurance_sector.pdf)>

.pdf>, hereinafter known as Jenkins for substantially the same reasons given in the previous Office Action (paper number 20070201). Further reasons appear hereinbelow.

(A) Claims 16-20 have not been amended and are rejected for the same reasons given in the previous Office Action (paper number 20070201, section 10, pages 15-18), and incorporated herein.

***Response to Arguments***

8. Applicant's arguments filed 13 August 2007 have been fully considered but they are not persuasive. Applicant's arguments will be addressed hereinbelow in the order in which they appear in the response filed 13 August 2007.

(A) Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. **Any response to this final action should be mailed to:**

**Box AF**

Commissioner of Patents and Trademarks

Washington D.C. 20231

**or faxed to:** (571) 273-8300.

For formal communications, please mark  
"EXPEDITED PROCEDURE".

For informal or draft communications, please label  
"PROPOSED" or "DRAFT" on the front page of the  
communication and do NOT sign the communication.

After Final communications should be labeled "Box AF."

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natalie A. Pass whose telephone number is (571) 272-6774. The examiner can normally be reached on Monday through Thursday from 9:00 AM to 6:30 PM. The examiner can also be reached on alternate Fridays.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached at (571) 272-6776. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (571) 272-3600. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Natalie A. Pass

November 13, 2007



C. LUKE GILLIGAN  
PRIMARY EXAMINER  
TECHNOLOGY CENTER 3600